

<b>Description</b>	County Planning Board July 8, 2008		
<b>Date</b>	07/08/2008	<b>Location</b>	County Planning Board
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:00:01 PM</a>	President Kerry White	Call to order. <b>Members present:</b> Kerry White, C.B. Dormire, Gail Richardson, Donald Seifert, Deb Robinson, Mike McKenna, Pat Davis and Marianne Amsden. <b>Members absent:</b> Matt Flikkema and Leroy Logterman. <b>Staff present:</b> Planning Director Greg Sullivan, Planners Randy Johnson, Chris Scott, and Tom Rogers, and Recording Secretary Glenda Howze.	
<a href="#">6:00:05 PM</a>	President Kerry White	<b>Public Comment</b> - none. Potential commenter was directed to save comments for the appropriate agenda item.	
<a href="#">6:00:44 PM</a>	President Kerry White	<b>Approval of June 10, 2008 Minutes.</b> Approved as presented.	
<a href="#">6:00:59 PM</a>		<b>Planning Department Update.</b>	
<a href="#">6:01:04 PM</a>	Planning Director Greg Sullivan	The Planning Department is moving on July 9 to room 108. Phone numbers and email addresses will remain the same. Distributed a memorandum from the Belgrade City-County Planning Staff to the County Commission regarding the newly formed (forming) Gravel Pit Task Force and offered a brief explanation. Distributed a list of sample motions for approving subdivisions with standard conditions and sample motions to deny, as previously requested from the President. Also distributed an article from the Planning Commissioner's Corner.	
<a href="#">6:04:16 PM</a>		There were no questions for Director Sullivan.	
<a href="#">6:04:31 PM</a>	President Kerry White	<b>Consent Agenda:</b> Public Hearing and Recommendation on a Request for Preliminary Plat Approval for the Rocky Mountain Condominiums Major Subdivision. (Tom Rogers)	
<a href="#">6:04:48 PM</a>	Deb Robinson	Requested moving this item from the consent to the regular agenda for discussion.	
<a href="#">6:05:01 PM</a>	President Kerry White	<b>Regular Agenda:</b> Rocky Mountain Condominiums Major Subdivision	
<a href="#">6:05:24 PM</a>	Planner Tom Rogers	Staff report.	
<a href="#">6:09:17 PM</a>		Board discussion with staff.	
<a href="#">6:11:40 PM</a>	Bob Lee, Morrison	Applicant presentation and response to board question.	

	Maierle Engineering	
<a href="#">6:17:21 PM</a>		Board discussion with applicant.
<a href="#">6:28:05 PM</a>	Bob Lee, Morrison Maierle Engineering	Further applicant presentation; specifically addressing the remaining requested changes to the recommended conditions of approval. Demonstrated the hydrant locations and the ability to supply rational supply.
<a href="#">6:34:07 PM</a>		Board questions and discussion with applicant.
<a href="#">6:37:37 PM</a>	Bob Lee, Morrison Maierle Engineering	Further presentation on requested condition changes.
<a href="#">6:38:19 PM</a>		Board questions and discussion with applicant.
<a href="#">6:39:52 PM</a>	Eric Blanksma, Morrison Maierle Engineering	Clarification on fire hydrant location and fire code.
<a href="#">6:46:37 PM</a>		<b>Public Comment</b> - none.
<a href="#">6:46:52 PM</a>		Board Discussion.
<a href="#">6:46:57 PM</a>	Marianne Amsden	Asked for clarification on the location of the property in question. Expressed concern about the trail connectivity and sufficient setbacks for future development of trails.
<a href="#">6:49:41 PM</a>	Donald Seifert	Comments on suggested conditions and recommended changes: The Gallatin Gateway Fire Department has the final say on where the fire hydrants are located. He also noted that he would accept staff's opinion on the suggested change to condition #11.
<a href="#">6:52:02 PM</a>	Deb Robinson	The suggested changes are not going to be an obstruction to the applicant, they are minor. It is more important to not get distracted by them when the more important issue is the parking lots running right along Highway 191. We need to ask the owners to look at the parking lot that they have right now and ask them to add a pedestrian pathway and alternate transportation pathway. This was recommended at the streets workshop and this is just the type of thing that they recommend. As a Planning Board we need to start making this type of proposal now.
<a href="#">6:53:48 PM</a>	Gail Richardson	Agrees with previous comments. Also noted that this is a safety issue for pedestrians and those on bikes to not have the trails continuing in front of this property. We need to see connections and paths along Highway 191 for safety and transportation purposes.

<a href="#">6:54:37 PM</a>	President White	Reminded the Board that this building is already constructed as is the parking lot.
<a href="#">6:54:56 PM</a>	Gail Richardson	I would like to move approval of amended plat of the Rocky Mountain Furniture Subdivision application with the specified conditions recommended by staff and the applicants requested changes to the recommended conditions of approval. I would suggest we adopt those with the caveat that the Fire District has the final say, and on Condition 26,i that the existing filed agreement with the ditch company should be part of the application.
<a href="#">6:56:24 PM</a>		Motion failed for lack of a second.
<a href="#">6:56:30 PM</a>		Board questions and discussion regarding parking spaces with the applicant and staff.
<a href="#">6:59:31 PM</a>	Planner Tom Rogers	This is in an unzoned portion of the county. Some zoning districts have some analysis and regulations for parking based on commercial/residential multi-use. For example in the donut, for manufacturing and industrial, one space per one thousand square feet of floor area and an additional space per two employees. On the trails suggestion, the existing trail is on the east side of the highway and is within the highway right of way.
<a href="#">7:00:55 PM</a>		Continued discussion regarding parking requirements and a trail easement.
<a href="#">7:02:30 PM</a>	Byron Anderson	Stated that he would have a hard time telling the applicant that they have to tear up their current paved lot to put a trail in when there is something already on, or planned for, the opposite side of the highway. Noted that he supports the idea, but not putting this kind of requirement on the developer.
<a href="#">7:03:31 PM</a>	Pat Davis	Concurred with the statements of Byron. The place for the trail should be on the less congested side of the road.
<a href="#">7:03:48 PM</a>	Mike McKenna	Suggested that they continue to keep parking there, have a trail on the east side of that, and place parallel parking there instead.
<a href="#">7:04:19 PM</a>	Deb Robinson	Related a similar scenario on South 3rd and suggested that having two options for pedestrians may be a good idea.
<a href="#">7:05:16 PM</a>	Marianne Amsden	Suggested that they could do some change in curbing to eliminate the need to tear up the asphalt. Noted that she would propose the same motion with an additional condition that would provide for the trail easement.
<a href="#">7:06:31 PM</a>	C.B. Dormire	Comments regarding the four covenants that the applicant requested be changed. Feels that he is unable to decide what any of those covenants should be, but the affected ag water users and Fire District would be able to. Suggested that the applicant work out these issues between this hearing and the one before the County

		Commissioners. Stated that he would like to see a motion that doesn't make any of those four changes but a record made and pointed out in the staff report that the Board doesn't have a problem making any of these changes if the ag water users and Fire Department don't have a problem with them.
<a href="#">7:10:11 PM</a>	Donald Seifert	Stated that he is considering making a motion to add a condition that would basically say that the developer shall make a reasonable attempt to allow for a pedestrian trail along the west side of the 191. This would give the developer a chance to look at their design for the possibility and then point the Commission in the direction that the Planning Board is interested in trails out there and they can then figure out how to put a trail system in there.
<a href="#">7:12:18 PM</a>	Marianne Amsden	Requested that the motion state "mixed use" trail, not "pedestrian."
<a href="#">7:12:34 PM</a>	President White	Stated that we have no trails plan in this area in place. We have no connection to either end of this trail if we were to ask the developer to put in this amount of trail and remove those parking places. We are also only a recommending body, not a decision making body.
<a href="#">7:13:11 PM</a>	Planning Director Greg Sullivan	There is a trails plan, the Gallatin County Trails Plan adopted as part of the Gallatin County Master Plan of 2002. The corridor going from Gateway to Four Corners is one of the primary corridors, the corridor is called for on the east side, along the same side of the highway as the existing trails. Class one trails are a commuter trail, which is what this would be considered. There is no planned trail on the west side of the highway.
<a href="#">7:14:27 PM</a>	Planner Tom Rogers	There is nothing in the plan for a crossing over or under the highway. This may need to be addressed in the future. In addition to the trail, one of the five primary transportation corridors for multi-use directly across the street from here going east toward Bozeman, is one of the highlighted corridor paths to connect this area to Bozeman.
<a href="#">7:15:15 PM</a>	President Kerry	Asked if sidewalks, curb, gutters etc., are usually put in within the dedicated roadway?
<a href="#">7:15:30 PM</a>	Planner Tom Rogers	This is site dependant. However on this plan [trails], it is within the highway right of way.
<a href="#">7:16:30 PM</a>	Donald Seifert	I will make a motion finding that the Rocky Mountain Furniture Condominium Subdivision is in compliance with the Gallatin County Growth Policy, Zoning Regulations and Subdivision Regulations; and finding that the Rocky Mountain Furniture Condominium Subdivision has no substantial impact on the Primary Criteria established by the Montana Subdivision and Platting Act; and finding that the Rocky Mountain Furniture Condominium

		Subdivision is in compliance with the other provisions of the Montana Subdivision and Platting Act; I move that the Planning Board forward a recommendation to the County Commissioners that the Rocky Mountain Furniture Condominium Subdivision be approved with the following additions: that the current conditions as written in the staff report stay, unchanged, and that we add a condition, number 32, that the developer shall make a reasonable attempt to allow for a mixed use commuter trail along the west side of Highway 191.
<a href="#">7:17:48 PM</a>	C.B. Dormire	Second.
<a href="#">7:17:56 PM</a>		Board Discussion.
<a href="#">7:18:00 PM</a>	Donald Seifert	Concurred with Mr. Dormire that we don't have enough of the pertinent parties here to make a decision on the requested changes, but encourage the applicant to bring them to the table at the meeting with the County Commission. He also asked that staff convey the essence of the trail issue to the Commission with the understanding that this is going to become a big issue in the next little while.
<a href="#">7:18:57 PM</a>	Byron Anderson	I think there is a conflict in the motion in the fact that it first states that it is in compliance but then the additional condition states that it isn't. I can't support the motion as made; if the additional condition were stricken then I could support it.
<a href="#">7:19:54 PM</a>	Mike McKenna	Questioned whether the Planning Board can make the additional condition when it isn't really a condition, it is something we are hoping they will do. I think we should make the motion with the standard conditions and then put it on record that we would like to see them work with the rural fire department and the ditch company and put something in the application for a trail. I can't support the motion the way it is.
<a href="#">7:21:01 PM</a>	President White	Those things can be added in as Findings of Fact [rather than a condition].
<a href="#">7:21:18 PM</a>	C.B. Dormire	I agree with Mike and Byron except that I view the motion as made as consistent with your comments. I am going to vote for it even though I agree with Mike and Byron.
<a href="#">7:22:09 PM</a>	Mike McKenna	I would like to make a motion to amend the motion so that the motion ends with "be approved with the standard conditions" period. [Agreed to insert his recommendation for a findings of fact at a later time.]
<a href="#">7:22:49 PM</a>	Byron Anderson	Second.
<a href="#">7:23:03 PM</a>	Gail	The fact that the existing trail corridor is on the other side, does

	Richardson	make a difference. There is no connection on the west side whatsoever. We need to make a point to the commission about trail connection but this does not seem to be the place to do it. I will support the motion.
<a href="#">7:23:43 PM</a>	Don Seifert	I am going to vote against the amendment and vote for my motion, to send a strong message to the Commission that trails are important and have them remove the condition if they want to.
<a href="#">7:24:13 PM</a>	President White	I am going to vote against both motions. I think Mr. Lee provided some good changes. The agreement that was made with the ditch company is the one he presented us to put into the conditions. The condition that was there, we're not sure if the ditch company has seen it. The changes have been given to the fire company and they did not provide us any comment and are not here. I can't vote for the motion with the standard conditions because I agree with Mr. Lee and what he has put forward.
<a href="#">7:25:12 PM</a>		Vote (motion to amend the motion): 4-5; Marianne Amsden, Deb Robinson, Donald Seifert, C.B. Dormire, and President White opposed. Motion failed.
<a href="#">7:26:11 PM</a>		Vote (original motion): 6-3; Byron Anderson, Pat Davis, and President White opposed. Motion passed.
<a href="#">7:27:00 PM</a>	President Kerry White	<b>Regular Agenda:</b> Public Hearing and Recommendation on a Request for Preliminary Plat Approval and Zoning PUD Approval for the Bozeman Trail Estates Major Subdivision. (Chris Scott)
<a href="#">7:27:27 PM</a>	Planner Christopher Scott	Staff Report. Distributed additional public comment. Requested removal of condition 22 as it is redundant with condition 25.
<a href="#">7:42:21 PM</a>		Board discussion with staff.
<a href="#">7:51:29 PM</a>	Terry Threlkeld, Innovative Engineering, Inc.	<b>Applicant Presentation.</b>
<a href="#">8:11:35 PM</a>		Board questions and discussion with applicant.
<a href="#">8:22:31 PM</a>	Planner Christopher Scott	Clarification on street design standard; it complies with Greater Bozeman Area Transportation Plan.
<a href="#">8:23:24 PM</a>	President Kerry White	<b>Public Comment.</b> Requested that comments be limited to three minutes in length.
<a href="#">8:24:52 PM</a>	Public Comment	John Varley, Jeff Reider (on behalf of Anne Marie McGrath), Dale Curtis (representing Franklin Hills Homeowner's Association),

		Connie Staudoher, Jim Hamilton, Murray Steinman, Hy Adelman, Anita Varley, Vivian Duffey, and Cory Reistad.
<a href="#">9:07:03 PM</a>		<b>Applicant Rebuttal.</b>
<a href="#">9:07:20 PM</a>	Terry Threlkeld, Innovative Engineering, Inc.	Applicant Rebuttal.
<a href="#">9:22:40 PM</a>		Board discussion with applicant.
<a href="#">9:23:56 PM</a>	Planner Chris Scott	Clarification on lot size versus density in planned unit developments.
<a href="#">9:25:14 PM</a>		Applicant closed presentation.
<a href="#">9:25:18 PM</a>		Board discussion.
<a href="#">9:26:55 PM</a>	Planner Chris Scott	This [property] is within the Gallatin County Bozeman Area Plan and future land use map, which is adopted as a more specific plan under the Growth Policy. Within this specific plan, the future land use plan designates this property as moderate intensity development but the zoning implements this plan and does allow for a higher density through the PUD process. The City is open to discussion of this density; it wouldn't be prohibited by their standards.
<a href="#">9:29:23 PM</a>	Deb Robinson	I would like to move that finding that the design of the Bozeman Trail Estates Major Subdivision may pose a public health or hazardous condition given the dead ending of the road in the middle of the development, I move that this application be denied.
<a href="#">9:30:08 PM</a>		Motion failed for lack of second.
<a href="#">9:30:14 PM</a>		Board discussion and questions with staff.
<a href="#">9:32:50 PM</a>	Marianne Amsden	Stated that she feels like she would support this application with some conditions. I do feel like it is consistent with the Growth Policy, is somewhat infill, not uncharacteristic of many of the adjacent lot sizes, but overall it doesn't seem too dense. The additional conditions I'd like to see are that the whole length of the trail be put in during phase one so that it does connect with Bozeman Trail to the south and to the west. Secondly an agreement be put in place with Franklin Hills for the road maintenance for the impact on that subdivision. Also the trail on the northern boundary be relocated to the southern boundary and be 25 feet minimum width. Finally I'd be open to the trail that is abutting Harry's Way be converted to a sidewalk to accommodate for other types of trail users. The trail not abutting Harry's Way would remain natural fines and would somehow cross over to that southern boundary that extends east/west.



<a href="#">9:35:01 PM</a>	President White	The trails committee did look at this. The hospital plan has their connectivity to the trail on the north side. Directed attention to a letter submitted by Liz Uhl that pointed out that the owners of lots in Franklin Hills with lots on the south edge have contributed 20 feet for the trail and that portion lines up with the hospital trail system.
<a href="#">9:36:12 PM</a>	C.B. Dormire	Expressed concern about the septic tank solution and the reliance on the homeowner's association to deal with this type of thing (out of sight). This is not a good precedent and not a good basis for concluding that it isn't a problem. If it is designed as has been contemplated, if it turns out to be a health problem, there is no fix because something else hasn't been laid out for easy connection.
<a href="#">9:41:18 PM</a>	Gail Richardson	I want to go on record as having some of the same problems as C.B. My involvement with the wastewater subcommittee puts things in perspective. I have a problem with density, the individual septics, and right in the staff report was the notion that comments from the City-County Health Department questions the subdivider's conclusion that a public system would be prohibited stating that a [variance] could be requested from the DEQ. I also have a problem with the required findings and approving a CUP. Specifically (C) that the proposed use will have no adverse affects upon the abutting property. Many of the lots around this property are larger lots and I think the adverse affect on abutting property is important. Also, the road situation with Dulohery is a problem. I sympathize with the people in Franklin Hills.
<a href="#">9:44:00 PM</a>	Donald Seifert	I sympathize with the encroachment of civilization into the country. However, if this property were annexed into the city it would be way more [density] than this is. Dulohery was probably intended to be a connector and it is important that we be able to move traffic from one place to another. Expressed concerns about the septic systems and suggested that with some minor redesign they could supply a central wastewater treatment facility. Septic tanks can fail in time and ground water can be contaminated. Connectivity at this point would be crucial.
<a href="#">9:48:19 PM</a>	President White	Emphasized those items that the Planning Board has jurisdiction over and decisions that need to be made regarding this application.
<a href="#">9:51:36 PM</a>	Byron Anderson	Stated for the record that he shares the concerns expressed by C.B. We are here to review a subdivision under the rules that exist, and if they meet those rules it is up to us to tweak it if necessary to make it work and move on. It is important that at some point that our local governments realize that we are putting a massive burden on developers. Local governments need to pay a percentage so they can be assured it is done properly and the developer can then carry on



		from his point forward. I support the fact that we have to review this under the guidelines that we are currently given.
<a href="#">9:54:16 PM</a>	Mike McKenna	I would like to make a motion based on the following determinations: As to whether the PUD application meets the design objectives and criteria of Section 54.100 and the criteria of Section 53.030 of the Gallatin County/Bozeman Area Zoning Regulations; and, a determination as to whether or not the application meets the requirements of Section 76-3-608 MCA of the Montana Subdivision and Platting Act; and, a determination as to whether or not the submitted watercourse mitigation plan evaluates the potential impacts of the project on the watercourses, including consideration of wildlife and fish habitat, water quality, vegetation, and watercourse health; and whether the watercourse mitigation plan adequately mitigates the potential impacts; and, number four, a determination as to whether or not the application complies with the provisions of the Gallatin County Subdivision Regulations, which I make a motion that it does. Furthermore I suggest that the Planning Board recommend approval of the application to the Commission with the following conditions that staff suggested, with the exception of condition #22 that that be eliminated. And furthermore that we add the following conditions: That all of the trail be put in phase one that extends all through the subdivision including the southern boundary onto Bozeman Trail Road, that the trail on the northern boundary be relocated to the southern boundary and be 25 feet in width, that Harry's Way trail be converted to a sidewalk and that these trails connect with each other; and, furthermore that there be an agreement be in place for road maintenance with Franklin Hills Subdivision.
<a href="#">9:56:44 PM</a>	C.B. Dormire	Second.
<a href="#">9:56:52 PM</a>		Board discussion.
<a href="#">9:56:57 PM</a>	Marianne Amsden	I would like to amend the motion to allow for connectivity to the future trail planned in the hospital land to the west, that lots 7 and 1 accommodate for a connector to northern boundary of this subdivision.
<a href="#">9:57:21 PM</a>	Mike McKenna	Second.
<a href="#">9:57:30 PM</a>		Vote (motion to amend the motion): 7-2; Deb Robinson and Gail Richardson opposed. Motion passed.
<a href="#">9:58:31 PM</a>		Board discussion on the main motion.
<a href="#">9:58:38 PM</a>	Don Seifert	I disagree with you [President White], we are charged with the health, safety and welfare [of public]. Wastewater control is at least

		health and welfare. My concern is that maybe there is a way to better this subdivision as the City-County Health Department has some question that maybe a public system would be possible for this subdivision by making certain requests of the Montana DEQ. I'm going to oppose it for that reason.
<a href="#">9:59:40 PM</a>	Mike McKenna	They have a central water system and Franklin Hills has a central water system. They are a level two system, if it is legal and safe in the eyes of the DEQ, I don't know how we can deny it.
<a href="#">10:00:22 PM</a>	President White	I respectfully disagree [with Don]. The best system out there is a level two system, which is a better system than anything out there. I agree with Byron, that to put that burden on the developer of these small units and drive the price up isn't right. This is a great buffer zone between what the hospital is going to be proposing. We are charged with a certain duty here on the Planning Board and [shouldn't go] beyond that duty based on a feeling rather than what is legal explanation. The Commissioners are the ultimate deciding body; we are just a recommending body.
<a href="#">10:03:19 PM</a>	Deb Robinson	The sanitary review piece is a public health issue and is concerning to me. The developer even wanted to add a caveat that the Homeowner's Association monitor the septic tanks, which is a red flag to me. Secondly [I'm concerned about], the hazard and public safety issue based on the site design of the subdivision. I'm concerned that Harry's Way dead ends and that there are no negotiations on the easement to the south at this time.
<a href="#">10:04:49 PM</a>	President White	Clarified that this project cannot be completed through phase four unless the easement is created and if phase three goes in then possibly a cul-de-sac would have to be required, so it isn't necessarily a dead end.
<a href="#">10:05:17 PM</a>		Vote (original motion): 4-5; Byron Anderson, Deb Robinson, Don Seifert, C.B. Dormire, and Gail Richardson opposed. Motion failed.
<a href="#">10:06:32 PM</a>		This application will be heard by the County Commission on July 29th.
<a href="#">10:07:22 PM</a>	President White	<b>Other Business.</b> (Committee Reports were continued.)
<a href="#">10:07:33 PM</a>	Mike McKenna	Inquired about the status of the Planning Board budget.
<a href="#">10:07:41 PM</a>	President White	The budget is under the Commission - they make the final determination in August. I dissolved the budget committee, but I'd like to reinstate the committee until further notice to monitor the Planning Department for expenditures for Planning Board purposes, report back to the Board regarding action by the Commission, and

		keep track of our expenditures through the Auditor's Office so we know what we're looking at through the year.
<a href="#">10:08:43 PM</a>	Marianne Amsden	Requested that board members show up at the County Commission meeting about the Gallatin Valley Interconnect resolution on July 15th to demonstrate support.
<a href="#">10:09:55 PM</a>		Meeting adjourned.

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